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MAY 25 2004

OFFICE OF PETITIONS

In re Application of :
Se-Jin Ahn et al. :
Application No. 10/696,615 :
Filed: October 28, 2003 :
Attorney Docket No. 5649-1202 :
Title: SEMICONDUCTOR MEMORY :
DEVICES HAVING OFFSET :
TRANSISTORS AND METHODS OF :
FABRICATING THE SAME :

DECISION ON PETITION
UNDER 37 C.F.R. §1.10(C)

This is a decision on the petition under 37 C.F.R. §1.10(c), submitted on February 12, 2004, requesting that the application be accorded a filing date of October 28, 2003.

Shortly after October 28, 2003, the above-identified application was received in the Office. The Office of Initial Patent Examination then mailed petitioner's filing receipt, which indicated that the application had been accorded a filing date of October 29, 2003.

In response, on February 12, 2004, applicants filed the present petition. Petitioners have included a copy of the Express Mail Label having a number of EV353593238US¹. Applicants request that the application be accorded a filing date of October 28, 2003.

¹ The Utility Patent Application Transmittal sheet has been located in the electronic file, and it is noted that it contains this same Express Mail label number.

Petitioner has alleged that the application was deposited on October 28, 2003, and the Patent Office has incorrectly assigned a filing date of October 29, 2003 to the instant application.

Regarding the Express Mail label, it is noted that the label contains a "date-in" of October 28, 2003. A check of the Office's USPS Express Mail Finder Database computer program was inconclusive. Petitioner has provided a print-out from the United States Postal Service's website (<http://www.usps.com/shipping/trackandconfirm.htm>) which establishes that the application was deposited on October 28, 2003.

Although the application received a filing date of October 29, 2003, the evidence is convincing that the application papers were filed on October 28, 2003, and the Patent Office assigned the incorrect date to the application. Therefore, the application was entitled to a filing date of October 28, 2003.

Accordingly, the petition is **GRANTED**.

The application file is being returned to the Office of Initial Patent Examination for further processing with a filing date of October 28, 2003, as well as the mailing of a corrected filing receipt.

Any inquiries related to this decision should be directed to the undersigned at (703) 305-0011.



Paul Shanoski
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